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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Mitchell T. Weisman Examiner: Not yet assigned

Serial No. 10/056,955

Art Unit: 1136

Filed: January 25, 2002

Title: Distribution Of Downloadable Software Over A Network

Box Missing Parts  
Commissioner of Patents  
Washington, DC 20231

COPY OF PAPERS  
ORIGINALLY FILED**RESPONSE TO NOTICE TO FILE MISSING PARTS UNDER 37 C.F.R. 1.53(b)**

Dear Sir:

In response to the Notice to File Missing Parts of Application mailed on February 28, 2002, in the above-identified application, enclosed herewith are the missing parts needed to complete filing of the above-identified patent application. The signed declaration for patent application is enclosed herewith under 37 C.F.R. §§1.27 and 1.16(e).

☒ Small entity status is proper for the assignee under 37 C.F.R. §§1.9 and 1.27.

The fees associated with the filing of this response are shown below:


							Fees
Filing Fee							\$ 0.00
Missing Parts Surcharge							\$65.00
Any Additional Claim(s) over 20	x	\$18.00					\$ 0.00
Any Additional Independent Claim(s) over 3	x	\$80.00					\$ 0.00
Multiple Claim(s)	x	\$270.00					\$ 0.00
<input type="checkbox"/> Extension of Time Fee							\$ 0.00
For Large Entity	TOTAL FEE ENCLOSED						= \$ 0.00
Divide In Half For Small Entity							= \$ 65.00

- ☐ No additional fee is required for this \_\_\_\_\_.
- ☒ Please charge Deposit Account No. 05-0150 in the amount of \$65.00
- ☒ The Commissioner is hereby authorized to charge any additional fees and credit any overpayments to Deposit Account No. 05-0150
- ☒ Charge any patent application processing fees under 37 C.F.R. 1.17.

Respectfully submitted,

Date: March 29, 2002  
SQUIRE, SANDERS & DEMPSEY L.L.P.  
600 Hansen Way  
Palo Alto, California 94304-1043  
(650) 856-6500

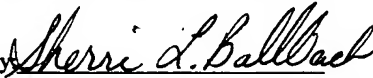
By

  
Vidya R. Bhakar  
Attorney for Applicants  
Reg. No. 42,323

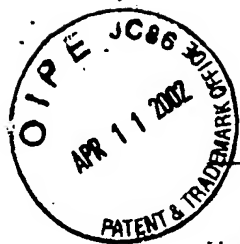
CERTIFICATE OF MAILING

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the Commissioner for Patents, Washington, D.C. 20231, on

Date: March 29, 2002

By   
Sherri L. Ballbach

*In re Mitchell T. Weisman.*  
U.S. Appln. No.: 10/056,955  
Palo Alto/34357.1



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF MAILING

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to Commissioner for Patents, Washington, D.C. 20231, Attn: Refund Section, Accounting Division, Office of Finance, on

Date: March 29, 2002

By: Sherri L. Ballbach  
Sherri L. Ballbach

#31 Reg for  
Refund  
05-08-02

In Re Application of:	
Mitchell T. Weisman et al.	Examiner: Not yet assigned
Serial No: 10/056,955	Group Art Unit: 1136
Filed: January 25, 2002	
For: DISTRIBUTION OF DOWNLOADABLE SOFTWARE OVER A NETWORK	

Commissioner for Patents  
Washington, D.C. 20231  
Attention: Refund Section, Accounting Division, Office of Finance

COPY OF PAPERS  
ORIGINALLY FILED

**REQUEST FOR REFUND**  
**(37 C.F.R. § 1.28(a))**

Dear Examiner:

The status of the inventor entity corresponding to the above-mentioned application was inadvertently marked as large entity. The inventor entity is in fact a small entity as asserted in the enclosed statement.

Accordingly, refund of the amount (\$568.00) that was paid in excess of the fee required for a small entity filing is requested.

The Commissioner is hereby authorized to refund the excess payment to Deposit Account 05-0150.

Date: March 29, 2002

Respectfully submitted,

Squire, Sanders & Dempsey L.L.P.  
600 Hansen Way  
Palo Alto, CA 94304-1043  
Telephone (650) 856-6500  
Facsimile (650) 843-8777

By: V. B.  
Vidya R. Bhakar, Esq.  
Attorney for Applicants  
Registration No. 42,323

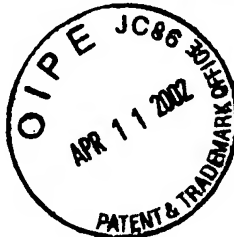


## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/056,955	01/25/2002	Mitchell T. Weisman	50642.00023

30256  
SQUIRE, SANDERS & DEMPSEY L.L.P.  
600 HANSEN WAY  
PALO ALTO, CA 94304-1043



CONFIRMATION NO. 8414

## FORMALITIES LETTER



\*OC000000007576258\*

Date Mailed: 03/04/2002

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*COPY OF PAPERS  
ORIGINALLY FILED

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The signature of the following inventor(s) is missing from the oath or declaration:  
*Mitchell T. Weisman*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 130.

05/16/2002 TV0111 00000001 050150 10056955

01 FC:203 65.00 CH

*A copy of this notice **MUST** be returned with the reply.*
  
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

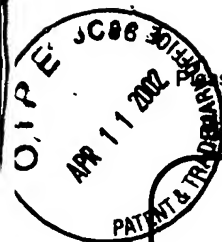
04/15/2002 BABRAHA1 00000048 050150 10056955

~~01 FC:105 130.00 CH~~

Adjustment date: 05/16/2002 TV0111

04/15/2002 BABRAHA1 00000048 050150 10056955

~~01 FC:105 130.00 CH~~

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PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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MPA4  
\$**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)	<b>Application Number</b>	10/056,955	
	<b>Filing Date</b>	January 25, 2002	
	<b>First Named Inventor</b>	Mitchell T. Weisman	
	<b>Group Art Unit</b>	1136	
	<b>Examiner Name</b>	Not yet known	
<b>Total Number of Pages in This Submission</b>	10	<b>Attorney Docket Number</b>	50642.00023

**ENCLOSURES (check all that apply)**

<input checked="" type="checkbox"/> <b>Fee Transmittal Form</b>  <input type="checkbox"/> <b>Fee Attached</b>  <input type="checkbox"/> <b>Amendment / Response</b>  <input type="checkbox"/> <b>After Final</b>  <input type="checkbox"/> <b>Affidavits/declaration(s)</b>  <input type="checkbox"/> <b>Extension of Time Request</b>  <input type="checkbox"/> <b>Express Abandonment Request</b>  <input type="checkbox"/> <b>Information Disclosure Statement</b>  <input type="checkbox"/> <b>Certified Copy of Priority Document(s)</b> <input checked="" type="checkbox"/> <b>Response to Missing Parts/ Incomplete Application</b>  <input type="checkbox"/> <b>Response to Missing Parts under 37 CFR 1.52 or 1.53</b>	<input type="checkbox"/> <b>Assignment Papers (for an Application)</b>  <input type="checkbox"/> <b>Drawing(s)</b>  <input type="checkbox"/> <b>Licensing-related Papers</b>  <input type="checkbox"/> <b>Petition</b>  <input type="checkbox"/> <b>Petition to Convert to a Provisional Application</b>  <input checked="" type="checkbox"/> <b>Power of Attorney, Revocation Change of Correspondence Address</b>  <input type="checkbox"/> <b>Terminal Disclaimer</b>  <input type="checkbox"/> <b>Request for Refund</b>  <input type="checkbox"/> <b>CD, Number of CD(s) _____</b>	<input type="checkbox"/> <b>After Allowance Communication to Group</b>  <input type="checkbox"/> <b>Appeal Communication to Board of Appeals and Interferences</b>  <input type="checkbox"/> <b>Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)</b>  <input type="checkbox"/> <b>Proprietary Information</b>  <input type="checkbox"/> <b>Status Letter</b>  <input checked="" type="checkbox"/> <b>Other Enclosure(s) (please identify below):</b>  <b>Return receipt postcard Notice to File Missing Parts (Part 2) Copy of Request for Refund (sent under separate cover 3/29/02)</b>
<b>Remarks</b>		

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

<b>Firm or Individual name</b>	Vidya R. Bhakar Reg. No.: 42,323
<b>Signature</b>	
<b>Date</b>	March 29, 2002

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date: <b>March 29, 2002</b>			
<b>Typed or printed name</b>	Sherri L. Ballbach		
<b>Signature</b>		<b>Date</b>	3/29/02

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

24

# FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$) 65

## Complete If Known

Application Number	10/056,955
Filing Date	January 25, 2002
First Named Inventor	Mitchell T. Weisman
Examiner Name	Not yet known
Group / Art Unit	1136
Attorney Docket No.	50642.00023

## METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit Account Number 05-0150

Deposit Account Name Squires, Sanders & Dempsey L.L.P.

The Commissioner is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments  
☐ Charge any additional fee(s) during the pendency of this application  
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description	Fee Paid
101	740	201	370	Utility filing fee	
106	330	206	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filing fee	

SUBTOTAL (1) (\$ 0)

### 2. EXTRA CLAIM FEES

Total Claims		-20 **	=	0	X	18	=	0
Independent Claims		-3 **	=	0	X	84	=	0
Multiple Dependent	0				X		=	0

Large Entity Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description
103	18	203	9	Claims in excess of 20
102	84	202	42	Independent claims in excess of 3
104	280	204	140	Multiple dependent claim, if not paid
109	84	209	42	** Reissue independent claims over original patent
110	18	210	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$ 0)

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

Fee Code	Large Entity Fee (\$)	Fee Code	Small Entity Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	65
127	50	227	25	Surcharge - late provisional filing fee or cover sheet.	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	400	216	200	Extension for reply within second month	
117	920	217	460	Extension for reply within third month	
118	1,440	218	720	Extension for reply within fourth month	
128	1,960	228	980	Extension for reply within fifth month	
119	320	219	160	Notice of Appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,280	241	640	Petition to revive - unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Processing fee under 37 CFR 1.17 (q)	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	740	246	370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))	
179	740	279	370	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

(\$ 65)

## SUBMITTED BY

## Complete (if applicable)

Name (Print/Type)	Vidya R. Bhakar	Registration No. Attorney/Agent	42,323	Telephone	(650) 856-6500
Signature				Date	March 29, 2002

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

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